



DEVELOPMENT SERVICES CENTER – PLANNING DIVISION

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Filing Requirements for A CONDITIONAL USE PERMIT FOR A WIRELESS TELECOMMUNICATIONS PROJECT

PURPOSE

The City of Morgan Hill has a strong interest in achieving and maintaining a high level of wireless communication service availability for businesses and residents and encourages substantial competition among service providers to meet increasing demands for new and better services. At the same time the City understands that potential land use impacts can result from the development of wireless communication facilities, particularly visual clutter and interface issues with proximity to residential neighborhoods.

A Conditional Use Permit application following the filing requirements listed below (complete application) is required for any proposed new or modified wireless telecommunications project within the City of Morgan Hill. A complete application allows the City to ensure compliance with the Morgan Hill Municipal Code; the Telecommunications Act of 1996, as amended; the Federal Communications Commission Shot Clock Order (FCC 09-99); California Public Utilities Code Sections 7901 and 7901.1; the California Environmental Quality Act (CEQA); the provisions of California Government Code Sections 65850.6 and 65964; and other local, state, and federal laws, regulations, and court rulings.

Questions about the Conditional Use Permit application and filing requirements for wireless telecommunications projects should be directed to the City of Morgan Hill Community Development Department, Planning Division.

FILING REQUIREMENTS FOR WIRELESS TELECOMMUNICATION PROJECTS

An application shall be made by the facility owner, licensed wireless carrier, Distributed Antenna System (DAS) Firm, or agent thereof and must be accompanied by the following information in order to be accepted for processing:

For *all* projects (*new or modification*):

1. Uniform Application (If submitting concurrent applications for multiple activities, please contact the Planning Division first).
2. Habitat Plan – All projects that have grading, new foundation component or creating new impervious service (including temporary/stockpile)
 - Coverage Screening Form (all projects)
 - Fees Conditions Worksheet (if applicable; must complete coverage screening form first)
3. Letter of Justification. Provide written justification outlining the request for a Conditional Use Permit. The letter must, at a minimum, include the following information:

Conditional Use Permit
Filing Requirements for Wireless Telecommunication Projects

- What is the primary purpose of the project? See examples below, and explain in detail.
 - Add network capacity without adding significant new RF coverage area.
 - Provide significant new coverage in an area not already served.
 - Increase signal level in an area with existing coverage.
 - Is this project intended to close or reduce an asserted significant gap in a wireless telecommunications network?
 - Is the proposed project the least intrusive alternative for closing a significant gap? Were other sites analyzed that could achieve the objectives of the project? Identify and discuss all alternatives considered, and why the proposed project is less intrusive than any site or combination of sites that may have a substantially equal effect in reducing a significant gap. Include/attach any relevant information used in the alternatives analysis, including a coverage/capacity report (propagation study).
 - Will the project use direct line-of-sight radio communication (i.e., microwave) with any existing or planned site?
 - Identify by physical address or assessor's parcel number all other sites that are to be interconnected (i.e., via back-haul) to this project site. Include all existing, proposed, or anticipated sites.
 - Is this project subject to 47 U.S.C. § 1455(a) [Section 6409(a) of the Middle Class Tax Relief Act of 2013]? If so, explain the reasons why the regulation applies to this project.
4. Public Hearing Noticing Requirements: (See Public Hearing Requirement Examples attached to the Uniform Application)
- Typed list of all property owners within 300' of the perimeter of the proposed project site pursuant to most recent equalized assessment rolls (including Assessor's Parcel Numbers)
 - One set of stamped, addressed, legal size envelopes (4 1/8" x 9 1/2") of all property owners from the list above.
 - Use "Forever" stamps, **do not use postage meter**
 - Be sure to include Assessor's Parcel Number **above** owner's name
 - Do not put return address on envelopes
 - Mailing List Affidavit (attached to Uniform Application)
 - Public Notice/Project Identification Sign (refer to Plan Specification Handout for details and requirements)
5. Filing Fees (see Fee Schedule attached to the Uniform Application)

FOR NEW SITES:

1. If the project is "categorically excluded" from determining compliance with FCC radiofrequency (RF) exposure guidelines, provide a written declaration of the exemption. If the project is not exempt, provide an RF study including all proposed emissions from the project for each licensee.
2. Project Site Plans (See Plan Specification Handout for details required on plans). Please provide Site Plans in the following formats:
 - **Six (3)** full size sets of submittal plans
 - **Three (3)** sets of submittal plans reduced to 11" x 17" in size
 - **One (1)** cd containing submittal plans in pdf format
3. **Vicinity Map** (see example in Plan Specification Handout)
4. Photographs and photo simulations of the project site from at least three positions. Each base photo and photo simulation should be 8.5" x 11" in size.
5. Preliminary Title Report

FOR MODIFICATIONS OR COLLOCATIONS ON EXISTING TOWERS OR BASE STATIONS:

1. If the project is “categorically excluded” from determining compliance with FCC radiofrequency (RF) exposure guidelines, provide a written declaration of the exemption. If the project is not exempt, provide an RF study for the proposed project including all proposed emissions from the project for each licensee, including each collocated RF emitter on the project site.
2. For collocations including new equipment, camouflage, or “stealth,” photographs and photo simulations of the project site from at least three positions, each base photo and photo simulation 8.5” x 11” in size. “Like-for-like” replacements of equipment that are not substantially different in size are not required to provide photo simulations.
3. Project Plans for construction consist of the following: (for other types of projects, contact the Planning Division)
 - **Site Plan** (See Plan Specification Handout for details required on plans)
 - **Six (3)** full size sets of submittal plans
 - **Three (3)** sets of submittal plans reduced to 11" x 17" in size
 - **One (1)** cd containing submittal plans in pdf format
 - **Vicinity Map** (see example in Plan Specification Handout)
 - Additional plan sets may be required upon request